



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

February 1, 1988

Mr. Miguel Delgado
President
Crystal City Independent
School District
805 E. Crockett
Crystal City, Texas 78839

LO-88-12

Dear Mr. Delgado:

You ask about the development and sale of minerals in land donated to a school district. A school district has authority to accept gifts and to own real property. Educ. Code §23.26. Section 23.29 of the Education Code governs the sale of minerals in land belonging to a school district. Apparently your question is whether the Education Code governs the development and disposition of the minerals in donated land in a case in which the donor has set out, as a condition of the gift of the land, the terms under which the minerals should be developed and sold.

In 1884 the Texas Supreme Court held that a grantor donating land to a county could, in the instrument creating the right, impose conditions for its disposition by the county in a manner other than the manner set out in the statute governing the disposition of county land. Wooters v. Hall, 61 Tex. 15 (1884). Although we find no case in point, we believe that the Texas courts would apply the same rule to a similar question involving land donated to a school district.

We have enclosed a copy of Wooters v. Hall, and we hope that it is of assistance to you.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc
Enclosure

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